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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 8th day of June, 1998

Before:

THE HON'BLE MR. JUSTICE R.V. RAVEENDRAN

Writ Petition No. 9567 of 1993

G.M. Associates,
rep. by its Partner,
Sri Galam Mohammed,
No. 576, 577, & 578,
Badara Krishnappa Roa,
Devaraj Mohalla,
Mysore

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..Petitioner

(By Sri O. Shivaram Bhat, Advocate)

-Vs-

1. State of Karnataka,
rep. by its Secretary
to the Housing & Urban
Development Authority,
M.S. Building,
Bangalore-560 001;
2. Mysore Urban Development
Authority, rep. by its
Commissioner, Mysore

..Respondents

(By Sri A. Nagarajappa, AGA, for R1;
Sri P.S. Manjunath & H.C. Shivaramu,
Adv., for R2)

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Writ Petition is filed praying to quash the order/
Notice dated 20-3-93 passed by the Commr., of Mysore
Urban Development Authority in No. My. Na. Pre. Nayo: 721-
92-93 vide Annexure-A.

This writ petition coming on for preliminary
hearing in 'B' Group this day, the Court made the
following:-

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O R D E R

The petitioner claims to be the owner of premises bearing Nos 576, 577 and 578 [New Nos 31, 32, 33] situated at Bedare Krishnappa Road, Devaraj Urs Mohalla, Mysore City, Mysore, having purchased the same under a registered sale deed dated 17-3-1989. It is alleged that the petitioner's vendor had applied and obtained a sanction plan and licence for putting up construction consisting of ground and first floors, from the Mysore City Corporation, as per Annexure 'C'. The petitioner contends that it purchased the property when the building was under construction and as certain alterations were required, the petitioner sought permission of the corporation to alter the plan. The petitioner also applied for transfer of licence to its name, as per Annexure 'D' dated 3-4-1991. According to petitioner, no action was taken on the basis of Annexure 'D' and D1, containing the modified plan. The petitioner, therefore, claims to have assumed that there was a deemed licence in regard to the modification and proceeded to complete the building, as per the modifications. The petitioner claims that thereafter, the second

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respondent issued the impugned order dated 20-3-1993 'Annexure 'A' directing the petitioner to demolish the deviations/offending portions of the building within a period of seven days. Feeling aggrieved, the petitioner has filed this petition and sought quashing of Annexure 'A' dated 20-3-1993.

2. Though the petitioner has raised several grounds, it is not necessary to examine them, in view of the subsequent development referred to by the petitioner's counsel. According to him, the State Government has issued a circular dated 14-6-1996 regarding compounding of deviations and violations of sanction plans; and he submitted that the petitioner may be permitted to request the second respondent for regularisation/ compounding of deviations as per said circular.

3. Learned counsel for the second respondent stated that the circular may not be applicable to the petitioner's case, as the circular was issued long after the action against the petitioner. Be that as it may. At this stage all that is requested is permission to file an application for

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compounding/ regularisation in pursuance of said circular. The second respondent may consider such application in the light of Annexure 'A' and the Government Circular if found to be applicable.

4. Hence, this petition is disposed of permitting the petitioner to file an application before the second respondent, within one month, seeking regularisation/compounding. Liberty is also reserved to petitioner to file objections to Annexure 'A' setting forth the grounds of objections, in addition to making a request for compounding. The second respondent may consider the same and dispose of such application and objections in accordance with law. All contentions of both parties left open.



Sd/-
JUDGE

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